

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ZACHARY LLOYD KALSO,

Petitioner,

v.

BUTTE COUNTY SUPERIOR COURT,

Respondent.

No. 2:24-CV-0507-DMC-P

ORDER

and

FINDINGS AND RECOMMENDATIONS

Petitioner, who is proceeding pro se, brings this petition for a writ of habeas corpus under 28 U.S.C. § 2254. Pending before the Court is Petitioner's original petition. See ECF No. 1.

Rule 4 of the Federal Rules Governing Section 2254 Cases provides for summary dismissal of a habeas petition “[i]f it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court.” In the instant case, it is plain that Petitioner is not entitled to federal habeas relief. When the petition was filed, Petitioner was a pre-trial detainee in the custody of Butte County awaiting trial on various felony firearms charges. See ECF No. 1. On April 1, 2024, mail directed to Petitioner was returned undeliverable with the notation “not in custody.” A review of the docket reflects that Petitioner's address was updated to a private address in Chico, California, on April 1, 2024, pursuant to a notice of change of address filed on March 28, 2024, in Kalso v. Butte County Superior Court, E.

1 Dist. Cal. case no. 2:24-cv-0653-JDP-P. Under 28 U.S.C. § 2254, this Court may entertain
2 habeas petitions which are filed by or on behalf of a person in custody pursuant to a state court
3 judgment and only on the ground that such custody violates the Constitution or laws of the United
4 States. See 28 U.S.C. § 2254(a). Here, Petitioner is no longer in custody, he does not challenge a
5 state court judgment, and he does not assert grounds for relief challenging custody on
6 constitutional or federal statutory grounds.

7 Based on the foregoing, the undersigned orders and recommends as follows:

8 1. It is ORDERED that the Clerk of the Court is directed to randomly assign a
9 District Judge.

10 2. It is RECOMMENDED that Petitioner's petition for a writ of habeas
11 corpus, ECF No. 1, be summarily dismissed.

12 These findings and recommendations are submitted to the United States District
13 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
14 after being served with these findings and recommendations, any party may file written
15 objections with the court. Responses to objections shall be filed within 14 days after service of
16 objections. Failure to file objections within the specified time may waive the right to appeal. See
17 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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19 Dated: May 17, 2024



20 DENNIS M. COTA
21 UNITED STATES MAGISTRATE JUDGE

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